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UNCLAS MANILA 005755

SIPDIS

SENSITIVE

STATE FOR EAP, EAP/MTS, EAP/MLS, AND L/EAP
USPACOM FOR WILLIAM ALDERSON
USPACOM ALSO FOR FPA HUSO
SECDEF/OSD/ISA/AP FOR ALLEN

E.O. 12958: N/A

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SUBJECT: PROSECUTOR CONCLUDES PRELIMINARY HEARINGS IN SUBIC
ALLEGED RAPE CASE

REF: A. MANILA 5507

[B](#). MANILA 5459

[C](#). STATE 212917

[D](#). MANILA 5371

[E](#). MANILA 5348

[F](#). MANILA 5317

[G](#). MANILA 5300

[H](#). MANILA 5231

[I](#). MANILA 5138

[J](#). COMPACTFLT PEARL HARBOR HI 030112Z NOV 05

[K](#). OPREP-3/CTF 76.4/022000Z NOV 05 (NOTAL)

[1](#). (SBU) Summary: The prosecutor presiding over alleged rape case hearings involving six US Marines announced that the December 9 preliminary investigation hearing would be the last. He gave all parties a deadline of December 19 to submit all memoranda, after which he will determine whether there is sufficient evidence to file charges against any of the Marines. The prosecutor has until January 2 to determine whether or what charges will be filed. Lawyers for the Marines told emboffs that the affidavit presented at the hearing by the attorney for the potential witness Timoteo Soriano (the van driver) reiterated claims that Soriano had made during an earlier radio interview that he had been coerced into signing his original statement implicating the Marines. End Summary.

[2](#). (SBU) On December 9, Olongapo City Prosecutor Prudencio Jalandoni held the third preliminary hearing investigating the alleged rape of a Filipina by six US Marines. The prosecutor requested a counter-affidavit by the driver of the Marines' van, Timoteo Soriano, whom he named as a respondent, even though Soriano had not been named in the original complaint. Soriano's attorney argued that his client need not submit a counter-affidavit because he was not a respondent in the case. Soriano's attorney eventually did produce an unsigned counter-affidavit on behalf of his client. (Note: Lawyers for the Marines indicated to emboffs that Soriano's affidavit reiterated statements he had made on a November 12 radio program, hosted by Vice President Noli De Castro, that he had been coerced into signing his original statement implicating the Marines. End Note.)

[3](#). (U) The prosecutor ordered Soriano to appear personally before him to swear the counter-affidavit by December 19. He declared both Soriano's original affidavit and the counter-affidavit will go on the record. All parties have until December 19 to submit all memoranda to the City Prosecutor's office. However, there will be no more hearings relating to the case, he announced. The prosecutor has until January 2 to determine whether or what charges will be filed, but he may reach a decision sooner.

[4](#). (U) None of the Marines, any witnesses, or the complainant were present at the hearing. Although the prosecutor subpoenaed Soriano to appear, only his lawyer attended, along with attorneys for the other respondents and the complainant. Approximately 40 members of the press covered the proceedings, which were broadcast on live television. Demonstrations by leftist and women's groups outside the hearing were small and no violence nor arrests were reported.

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Jones